

Patent
Attorney Docket No: 12004

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Anil V. Nadkarni et al.

Serial No.: 08/678,776

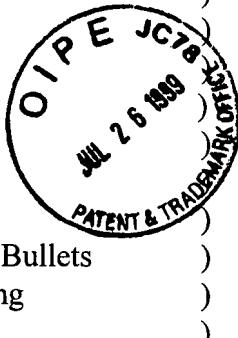
Batch No.: S38

Filed: July 11, 1996

Title: "Lead Free Frangible Bullets
and Process for Making
Same"

Group Art Unit: 1742

Examiner: D. Jenkins



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Kalow Springut & Bressler LLP
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New York, New York 10022
(212) 813 - 1600

July 26, 1999

FILED BY EXPRESS MAIL

Box Issue Fee

Assistant Commissioner for Patents
Washington, D.C. 20231

SIR:

Re. Verified Statement(Declaration) Claiming Small Entity Status
and Issue Fee Transmittal

Enclosed herewith is a Verified Statement (Declaration) claiming small entity status
(Small Business Concern) for the above-referenced patent application.

EXPRESS MAIL

"Express Mail" mailing label number: EL302846105US
Deposit Date: July 26, 1999

Also enclosed is the Issue Fee Transmittal and check for one half of the Fee Due shown on the Issue Fee Transmittal for the above-referenced application.

Please stamp and return the enclosed self-addressed postcard with the date of receipt of this transmittal in the Patent and Trademark Office. Thank you.

Respectfully submitted,



John J. Santalone
Reg. No. 32,794
Attorney for Applicants

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Abrams, John T. Docket No.: 12004
 Serial No.: 08/678,776 Filed: 07/11/96
 Title: "Lead-Free Frangible Bullets And Process For Making Same"



VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
37 C.F.R. §§ 1.9(d) and 1.27(c) - SMALL BUSINESS CONCERN

I hereby declare that I am

the owner of the small business identified below;
 an official of the small business concern empowered to act on behalf of the corporation identified below.

Name of Concern: Delta Frangible Ammunition, LLC
 Address of Concern: 50 Wyche Road
 Stafford, VA 22554-2350

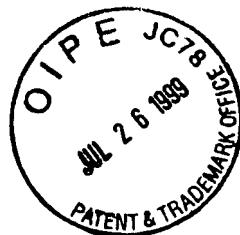
I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §§ 121.3.3-18, and referred to in 37 C.F.R. § 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties control or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business identified above with regard to the invention, entitled "Lead-Free Frangible Bullets And Process For Making Same" described in:

the specification filed herewith
 application serial no.: 08/678,776 filed: July 11, 1996
 patent no.: issued:

If the rights held by the above-identified small business concern are not exclusive, each individual, concern, or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a non-profit organization under 37 C.F.R. § 1.9(c).

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REPRINTED REGULATIONS

37 C.F.R. §§ 1.9(c), 1.9(d), 1.9(e)

(c) An independent inventor as used in this chapter means any inventor who (1) has not assigned, granted, conveyed, or licensed, and (2) is under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who could not likewise be classified as an independent inventor if that person had made the invention, or any concern which would not qualify as a small business concern or a nonprofit organization under this section.

(d) A small business concern as used in this chapter means any business concern meeting the size standards set forth in 13 C.F.R. Part 121 to be eligible for reduced patent fees. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, S.W., Washington, D.C. 20416.

(e) A nonprofit organization as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization of the type described in section 501(c)(3) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(i)); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e)(2) or (3) of this section if it were located in this country.

§ 121.12 Definition of Small Business for Paying Reduced Patent Fees Under Title 35, U.S. Code.

(a) Pursuant to Pub. L. 97-247, a small business concern for purposes of paying reduced fees under 35 U.S. Code 41(a) and (b) to the Patent and Trademark Office means any business concern (1) whose number of employees, including those of its affiliates, does not exceed 500 persons and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any right in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any organization under this section. For the purpose of this section concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the persons employed during each of the pay periods of the fiscal year. Employees are those persons

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employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.

(b) If the Patent and Trademark Office determines that a concern is not eligible as a small business concern within this section, the concern shall have a right to appeal that determination to the Small Business Administration. The Patent and Trademark office shall transmit its written decision and the pertinent size determination file to the SBA in the event of such adverse determination and size appeal. Such appeals by concerns should be submitted to the SBA at 1441 L Street, N.W., Washington, D.C. 20416 (Attention: SBA office of General Counsel). The appeal should state the basis upon which it is claimed that the Patent and Trademark Office initial size determination on the concern was in error; and the facts and arguments supporting the concern's claimed status as a small business concern under this Section.

37 C.F.R. § 1.28(b)

(b) Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due. Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application or patent prior to paying or at the time of paying the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to § 1.9 of this part. The notification of change in status may be signed by the applicant, any person authorized to sign on behalf of the assignee, or an attorney or agent of record or acting in a representative capacity pursuant to § 1.34(a) of this part.

*Note: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27)

Name

Davis C. B. DAVIS

Address P. O. Box 2350, STAFFORD, VA 22555-2350
() Individual Small Business Concern Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b))

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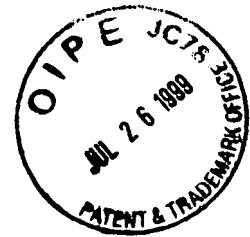
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing

J. Davis C.B. DAVIS

Title of Person if Other Than Owner:

President / CEO

Signature:

J. Davis

T:PATENTS\12004US\verified stat small entity

TOTAL P.06